

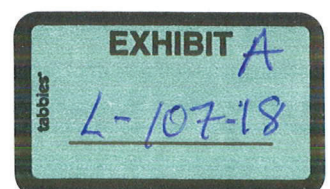
**EASEMENT FOR CONSTRUCTION, RECONSTRUCTION, OPERATING, MAINTAINING, REPAIRING  
AND REPLACING STORM DRAINAGE FACILITIES, AND APPURTENANCES THERETO IN, UNDER,  
ACROSS AND THROUGH CERTAIN LANDS OWNED BY**

**Sharon Elaine Workman and Donald Paul Workman**

(Permanent Parcel No. 450-09-020)


**KNOW ALL PERSONS BY THESE PRESENTS** that Sharon Elaine Workman and Donald Paul Workman, their successors and assigns (hereinafter collectively referred to as "Grantors") who are the owners of certain land by deed recorded as Volume 96-03253, Page 5 of Cuyahoga County Records, (hereinafter referred to as "Premises") in consideration of the sum of One Thousand Three Hundred Five dollars (\$1,305.00) the receipt of which is acknowledged by Grantors, and for other good and valuable consideration received to their full satisfaction, do hereby give, grant, bargain and convey, unto the City of Parma (hereinafter referred to as "Grantee"), its successors and assigns, the perpetual right and perpetual easement to enter upon that portion of the Grantors' Premises, as described in Exhibit "A", attached hereto and expressly made a part hereof by reference (hereinafter referred to as the "Easement Area"), and to remove trees, except the trees denoted for preservation and protection on the Tree Protection Plan attached hereto as Exhibit "B" and expressly made part hereof by reference (hereinafter referred to as the "Tree Protection Plan"), and other obstructions when necessary and in, under, across and through the aforesaid Easement Area to lay, construct, relay, reconstruct, maintain, operate, use, alter and repair storm drainage facilities, and appurtenances thereto and also the right to enter upon the aforesaid Easement Area, or any part thereof at any time for any of the foregoing purposes and the doing of all things necessary or incident thereto.

The Grantee hereby restricts said Premises within the limits of the aforesaid Easement Area against the construction thereon of any buildings or other structures of a temporary or permanent type, or the construction in, over or subjacent to the above described Easement Area of any tunnels, sewers, ducts, pipes or poles within the limits of the above described Easement Area. Further to restrict the storing or placing of any materials, parking of any vehicles of any type, equipment or obstruction thereon, or otherwise interfering with the access to or the maintenance of the storm drainage facilities, and appurtenances thereto and also restrict the planting or sufferance thereon or in such proximity thereto of trees, except the trees denoted for preservation and protection on the Tree Protection Plan, and shrubbery which may restrict the accessibility of the storm drainage facilities, and appurtenances thereto.



**TO HAVE AND TO HOLD** the above granted easement and the storm sewers, storm sewer culverts, and appurtenances thereto which may be installed therein and any further additions installed by Grantee subsequently in, over and through such Easement Area for the purposes mentioned herein given unto Grantee by Grantors forever. And the Grantors do for themselves and their successors and assigns covenant with the Grantee and its successors and assigns, that at the time and until the sealing of these presents, the Grantors are well seized of the above described Premises as a good and indefeasible estate in fee simple and has good right to bargain and grant the same in manner and form as written above and that Grantors will warrant and defend said Premises with the appurtenances thereunto belonging to the Grantee, its successors and assigns against all lawful claims and demands whatsoever for the purposes herein described.

Sharon Elaine Workman  
Sharon Elaine Workman

  
Donald Paul Workman

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Palma,  
Ohio this 15th day of May, 2018.



Victoria A. Ziegler  
Notary Public

CITY OF PARMA

By: \_\_\_\_\_  
Timothy J. DeGeeter, Mayor

STATE OF OHIO                    )  
  ) SS:  
COUNTY OF CUYAHOGA        )

**NOTARY PUBLIC**

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above named Timothy J. DeGeeter, the duly elected and acting Mayor of the City of Parma, who, after first being duly cautioned according to law, acknowledged that he has the power to bind the City of Parma, pursuant to appropriate Councilmanic authorization, to the terms and conditions of the foregoing instrument and that he did sign the foregoing instrument as his free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at \_\_\_\_\_, Ohio, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

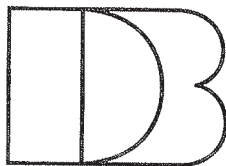
\_\_\_\_\_  
Notary Public

This Permanent Easement was authorized by Resolution No. \_\_\_\_\_, adopted by the Council of the City of Parma on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Clerk of Council, City of Parma

Approved as to Form:

\_\_\_\_\_  
Law Director, City of Parma



**Donald Bohning  
& Associates**

7979 Hub Parkway  
Valley View, Ohio 44125

T 216.642.1130

F 216.642.1132

P.P.N. 450-09-020

Permanent Storm Drainage Easement- Workman

DGB 4290-9

January, 2018

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

Situated in the City of Parma, County of Cuyahoga, and State of Ohio, and known as being part of Sublot 127 in the Elworthy-Helwick Company's Highland Orchards Subdivision of part of Original Parma Township Lot No. 11, Ely Tract, as shown by the plat recorded in Volume 80, Page 9 of Cuyahoga County Map Records, and bounded and described as follows:

Beginning in the northerly line of Orchard Park Drive, 50 feet wide, at its intersection with the easterly line of said Sublot 127;

Thence North 1 degree 00 minutes 33 seconds West along the easterly line of said Sublot 127, 111.22 feet to a point, and the principal place of beginning of the easement herein described;

Thence North 33 degrees 59 minutes 48 seconds West, 62.84 feet to a point;

Thence North 56 degrees 00 minutes 12 seconds East, 22.50 feet to a point;

Thence South 33 degrees 59 minutes 48 seconds East, 28.18 feet to a point at its intersection with the easterly line of said Sublot 127;

Thence South 1 degree 00 minutes 33 seconds East along the easterly line of said Sublot 127, 41.32 feet to the principal place of beginning as described by Donald G. Bohning & Associates, Inc. in January, 2018.

The courses used in this description are referenced to an assumed meridian and are used to indicate angles only.

Michael A. Ackerman

Registered Surveyor No. 8196

m:\adcadd\p\4290-9\documents\legals\permanent storm easement - workman.doc









GRAPHIC SCALE



# EXHIBIT "B" P.P.N. 450-09-020 TREE PROTECTION PLAN

- # - DENOTES YELLOW RIBBON WRAPPED TREE TO BE PRESERVED AND PROTECTED THROUGHOUT CONSTRUCTION

P.P.N. 450-09-021  
EUGENE MAGOCKYJ  
5144 ORCHARD PARK DR.  
S/L 126

EXTG. PIPE END  
INV. 48" 937.16

HOUSE

20 L.F.

GARAGE

OP

PS

4

ECB S.Y.

70

22.5

6/1

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P.P.N. 450-09-038  
JAMES L. GIERA  
5114 ORCHARD PARK DR.

PERMANENT  
STORM DRAINAGE  
EASEMENT

CHAMBER

EXTG. ST. BASIN

EXTG. ST. BASIN

EXTG. ST. BASIN

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EXTG. ST. BASIN

ORCHARD PARK DR. 50'

ASPHALT PAVEMENT

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EXTG. 10" PIPE

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EXTG. 10" PIPE

STAGING AREA

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TEMPORARY  
CONSTRUCTION  
EASEMENT

HOUSE

P.P.N. 450-09-019  
DONALD PAUL & SHARON  
ELAINE WORKMAN  
5208 ORCHARD PARK DR.

HOUSE

P.P.N. 450-09-020  
DONALD PAUL & SHARON  
ELAINE WORKMAN  
5208 ORCHARD PARK DR.

HOUSE

P.P.N. 450-09-021  
EUGENE MAGOCKYJ  
5144 ORCHARD PARK DR.

HOUSE

P.P.N. 450-09-022  
EUGENE MAGOCKYJ  
5144 ORCHARD PARK DR.

HOUSE

P.P.N. 450-09-023  
EUGENE MAGOCKYJ  
5144 ORCHARD PARK DR.

HOUSE

P.P.N. 450-09-024  
EUGENE MAGOCKYJ  
5144 ORCHARD PARK DR.

HOUSE

P.P.N. 450-09-025  
EUGENE MAGOCKYJ  
5144 ORCHARD PARK DR.

HOUSE

P.P.N. 450-09-026  
EUGENE MAGOCKYJ  
5144 ORCHARD PARK DR.

HOUSE

P.P.N. 450-09-027  
EUGENE MAGOCKYJ  
5144 ORCHARD PARK DR.

HOUSE

P.P.N. 450-09-028  
EUGENE MAGOCKYJ  
5144 ORCHARD PARK DR.

HOUSE

P.P.N. 450-09-029  
EUGENE MAGOCKYJ  
5144 ORCHARD PARK DR.

HOUSE

P.P.N. 450-09-030  
EUGENE MAGOCKYJ  
5144 ORCHARD PARK DR.

HOUSE

P.P.N. 450-09-031  
EUGENE MAGOCKYJ  
5144 ORCHARD PARK DR.

HOUSE

P.P.N. 450-09-032  
EUGENE MAGOCKYJ  
5144 ORCHARD PARK DR.

HOUSE

P.P.N. 450-09-033  
EUGENE MAGOCKYJ  
5144 ORCHARD PARK DR.

HOUSE

P.P.N. 450-09-034  
EUGENE MAGOCKYJ  
5144 ORCHARD PARK DR.

HOUSE

P.P.N. 450-09-035  
EUGENE MAGOCKYJ  
5144 ORCHARD PARK DR.

HOUSE

**EXHIBIT "B"****TO ACCOMPANY TREE PROTECTION PLAN**

FOR: DONALD PAUL &amp; SHARON ELAINE WORKMAN

PPN 450-09-020

ORCHARD PARK DRIVE

CITY OF PARMA

CUYAHOGA COUNTY, OHIO

YELLOW RIBBON WRAPPED TREES TO BE PRESERVED AND PROTECTED THROUGHOUT CONSTRUCTION				
TREE ID	COORDINATES		TYPE	SIZE (DIA.)
	NORTHING	EASTING		
1	626275	2182152	HICKORY	15"
2	626291	2182136	HICKORY	18"
3	626314	2182134	OAK	42"
4	626356	2182121	HICKORY	18"
5	626368	2182104	HICKORY	15"
6	626379	2182099	UNKNOWN	18"
7	626389	2182116	HICKORY	18"
8	626401	2182114	UNKNOWN	15"
9	626420	2182112	UNKNOWN	15"
10*	626422	2182092	FIR	8"

\* LOCATION APPROXIMATED FROM  
COUNTY GIS AERIAL PHOTO

### TEMPORARY CONSTRUCTION EASEMENT

This Temporary Construction Easement is made this 15<sup>th</sup> day of MAY, 2018, by and between Sharon Elaine Workman and Donald Paul Workman (hereinafter referred to as "Grantors") the owners of the real property located adjacent to 5208 Orchard Park Drive, Parma, Ohio 44134, and known as Permanent Parcel No. 450-09-020 (hereinafter the "Property") and the City of Parma, an Ohio municipal corporation (hereinafter the "City").

### WITNESSETH

**WHEREAS**, the City will be undertaking the repair and extension of a forty-eight inch storm sewer outfall, and other storm drainage system improvements along Orchard Park Drive, together with all necessary appurtenances, (hereinafter the "Project"), portions of which will involve the Grantors' Property, and it is therefore necessary that the City be granted the temporary right to enter onto the Grantors' Property for the purposes related to such Project and other matters incident thereto:

**NOW, THEREFORE**, in consideration of the sum of One Thousand Four Hundred Fifty dollars (\$1,450.00) the receipt of which is acknowledged by Grantors, and in exchange of the mutual covenants expressed herein the parties hereto agree as follows:

- 1.) Grantors hereby grant to the City and its employees, agents, contractors, and designees, the temporary right to enter onto certain areas of the Property as described in Exhibit "A", attached hereto and expressly made a part hereof by reference (hereinafter the "Temporary Easement Area"), for the purposes of undertaking and constructing the Project and all matters incident and related thereto.
- 2.) Grantors grant further permission to the City and its employees, agents, contractors, and designees, to temporarily store material and equipment related to the construction of the Project on the Property of the Grantors within said easement area.
- 3.) Subject to paragraph 4 below, Grantors grant further permission to the City and its employees, agents, contractors, and designees, to remove trees, shrubs or brush within the Temporary



Easement Area and to trim overhanging limbs or branches that interfere with the Project construction or staging operations, as determined by the City Engineer.

- 4.) City agrees that its employees, agents, contractors, and designees shall preserve and protect throughout construction the trees denoted on the Tree Protection Plan attached hereto as Exhibit "B" and expressly made a part hereof by reference.
- 5.) City agrees that at the conclusion of the Project, it shall, as expeditiously as possible, weather permitting, remove its equipment and excess material related to the construction of the Project, and restore all disturbed areas of the Grantors' Property with grass cover, per requirements of the City of Parma Engineer.
- 6.) It is further understood and agreed that the right to enter upon the Property and appurtenances thereto shall be for the limited purpose of the aforesaid Project and the other work to be performed by the City hereunder and this Temporary Construction Easement and the rights granted to the City shall terminate and be held for naught upon the completion of the Project as reasonably determined by the City Engineer.

**IN WITNESS WHEREOF**, the parties hereto have executed this Temporary Construction Easement warranting that they have the full power and authority to bind the respective parties to the terms and conditions contained herein on the date first written above.

Sharon Elaine Workman

Sharon Elaine Workman

Donald Paul Workman

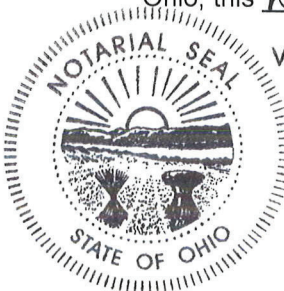
Donald Paul Workman

STATE OF OHIO                     )  
  ) SS:  
COUNTY OF CUYAHOGA        )

**NOTARY PUBLIC**

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named Sharon Elaine Workman and Donald Paul Workman, who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Parma, Ohio, this 15th day of May, 2018.



VICTORIA A. ZEIGLER  
NOTARY PUBLIC  
STATE OF OHIO  
Comm. Expires  
12/16/19  
Recorded in  
Cuyahoga County

Victoria A. Zeigler  
Notary Public

CITY OF PARMA

By: \_\_\_\_\_  
Timothy J. DeGeeter, Mayor

STATE OF OHIO                    )  
  ) SS:  
COUNTY OF CUYAHOGA        )

NOTARY PUBLIC

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above named Timothy J. DeGeeter, the duly elected and acting Mayor of the City of Parma, who, after first being duly cautioned according to law, acknowledged that he has the power to bind the City of Parma, pursuant to appropriate Councilmanic authorization, to the terms and conditions of the foregoing instrument and that he did sign the foregoing instrument as his free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at \_\_\_\_\_, Ohio, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

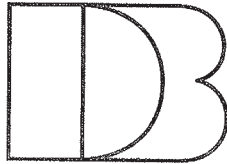
\_\_\_\_\_  
Notary Public

This Temporary Construction Easement was authorized by Resolution No. \_\_\_\_\_, adopted by the Council of the City of Parma on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Clerk of Council, City of Parma

Approved as to Form:

\_\_\_\_\_  
Law Director, City of Parma



**Donald Bohning  
& Associates**

7979 Hub Parkway  
Valley View, Ohio 44125

T 216.642.1130  
F 216.642.1132

P.P.N. 450-09-020  
Temporary Storm Drainage Easement- Workman  
DGB 4290-9

January, 2018

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

Situated in the City of Parma, County of Cuyahoga, and State of Ohio; and known as being part of Sublot 127 in the Elworthy-Helwick Company's Highland Orchards Subdivision of part of Original Parma Township Lot No. 11, Ely Tract, as shown by the plat recorded in Volume 80, Page 9 of Cuyahoga County Map Records, and bounded and described as follows:

Beginning in the northerly line of Orchard Park Drive, 50 feet wide, at its intersection with the easterly line of said Sublot 127;

Thence South 88 degrees 59 minutes 27 seconds West along the northerly line of Orchard Park Drive, 51.56 feet to a point;

Thence North 1 degree 00 minutes 33 seconds West, 84.00 feet to a point;

Thence North 33 degrees 59 minutes 27 seconds East, 54.61 feet to a point;

Thence North 31 degrees 00 minutes 33 seconds West, 35.11 feet to a point;

Thence North 11 degrees 00 minutes 12 seconds East, 10.00 feet to a point;

Thence North 56 degrees 00 minutes 12 seconds East, 21.29 feet to a point;

Thence South 61 degrees 00 minutes 33 seconds East, 20.61 feet to a point at its intersection with the easterly line of said Sublot 127;

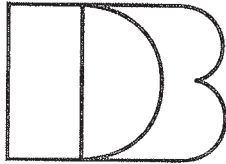
Thence South 1 degree 00 minutes 33 seconds East along the easterly line of said Sublot 127, 17.67 feet to a point;

Thence North 33 degrees 59 minutes 48 seconds West, 28.18 feet to a point;

Thence South 56 degrees 00 minutes 12 seconds West, 22.50 feet to a point;

Thence South 33 degrees 59 minutes 48 seconds East, 62.84 feet to a point at its intersection with the easterly line of said Sublot 127;

Thence South 1 degree 00 minutes 33 seconds East along the easterly line of said Sublot 127, 111.22 feet to the place of beginning as described by Donald G. Bohning & Associates, Inc. in January, 2018.



**Donald Bohning  
& Associates**

7979 Hub Parkway  
Valley View, Ohio 44125

T 216.642.1130  
F 216.642.1132

P.P.N. 450-09-020

Temporary Storm Drainage Easement- Workman  
DGB 4290-9

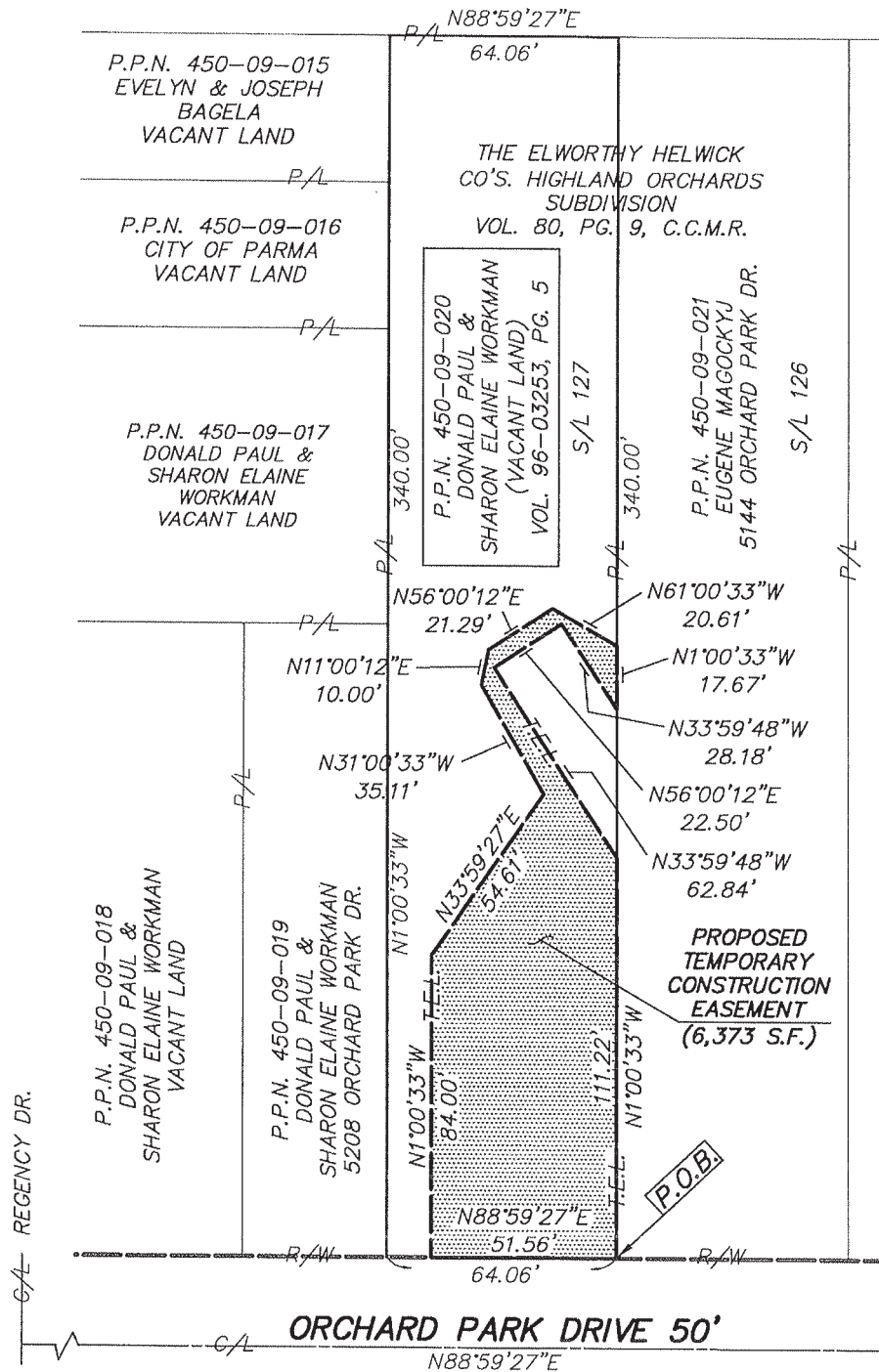
The courses used in this description are referenced to an assumed meridian and are used to indicate angles only.

Michael A. Ackerman  
Registered Surveyor No. 8196

m:\adcadd\p\4290-9\documents\legals\temp storm easement - workman.doc







**EXHIBIT "A"**  
**TO ACCOMPANY LEGAL DESCRIPTION FOR**  
**TEMPORARY CONSTRUCTION EASEMENT**  
**FOR: DONALD PAUL &**  
**SHARON ELAINE WORKMAN**  
**P.P.N. 450-09-020**  
**ORCHARD PARK DRIVE**  
**CITY OF PARMA**  
**CUYAHOGA COUNTY, OHIO**



<b>DONALD G. BOHNING &amp; ASSOCIATES, INC.</b> CIVIL ENGINEERING & SURVEYING 7979 HUB PARADWAY • VALLEY VIEW, OHIO 44125 PHONE: (216) 842-1130 FAX: (216) 842-1132			
HORIZ. SCALE 1"=40'	DWN M.G.	DCL M.A.	DATE JAN., 2018
VERT. SCALE 1"=40'	FILE NO. 429009-X2A	ORDER NO. 4290-9	1 1

1/12/2018 - 2:24pm  
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GRAPHIC SCALE



# EXHIBIT "B"

## P.P.N. 450-09-020

### TREE PROTECTION PLAN

# - DENOTES YELLOW RIBBON WRAPPED TREE TO BE PRESERVED AND PROTECTED THROUGHOUT CONSTRUCTION

P.P.N. 450-09-021  
EUGENE MAGOCKY  
5144 ORCHARD PARK DR.  
S/L 126

EXTG. PIPE END  
INV. 48" 937.16

HOUSE

20 L.F.

GARAGE

OP

RS

ECB S.Y.

SBB

SF

HALF HDWILL  
No. 3

10

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TCF

TEMPORARY  
CONSTRUCTION  
EASEMENT

HOUSE

P.P.N. 450-09-038  
JAMES L. GIERA  
5114 ORCHARD PARK DR.

PERMANENT  
STORM DRAINAGE  
EASEMENT

EXTG. ST. BASIN

CHAMBER

EXTG. ST. JUNCT.

CONC. DRIVE

R.R. TIES

EXTG. C.O. VT.

BRICK

EXTG. 12"

EXTG. 10" W/RES

CONC.

APRON

EXTG. 60"x38" ELLIP

AGGREGATE

CONC.

APRON

EXTG. 10" W/RES

CONC.

APRON

EXTG. 10" W/RES

CONC.

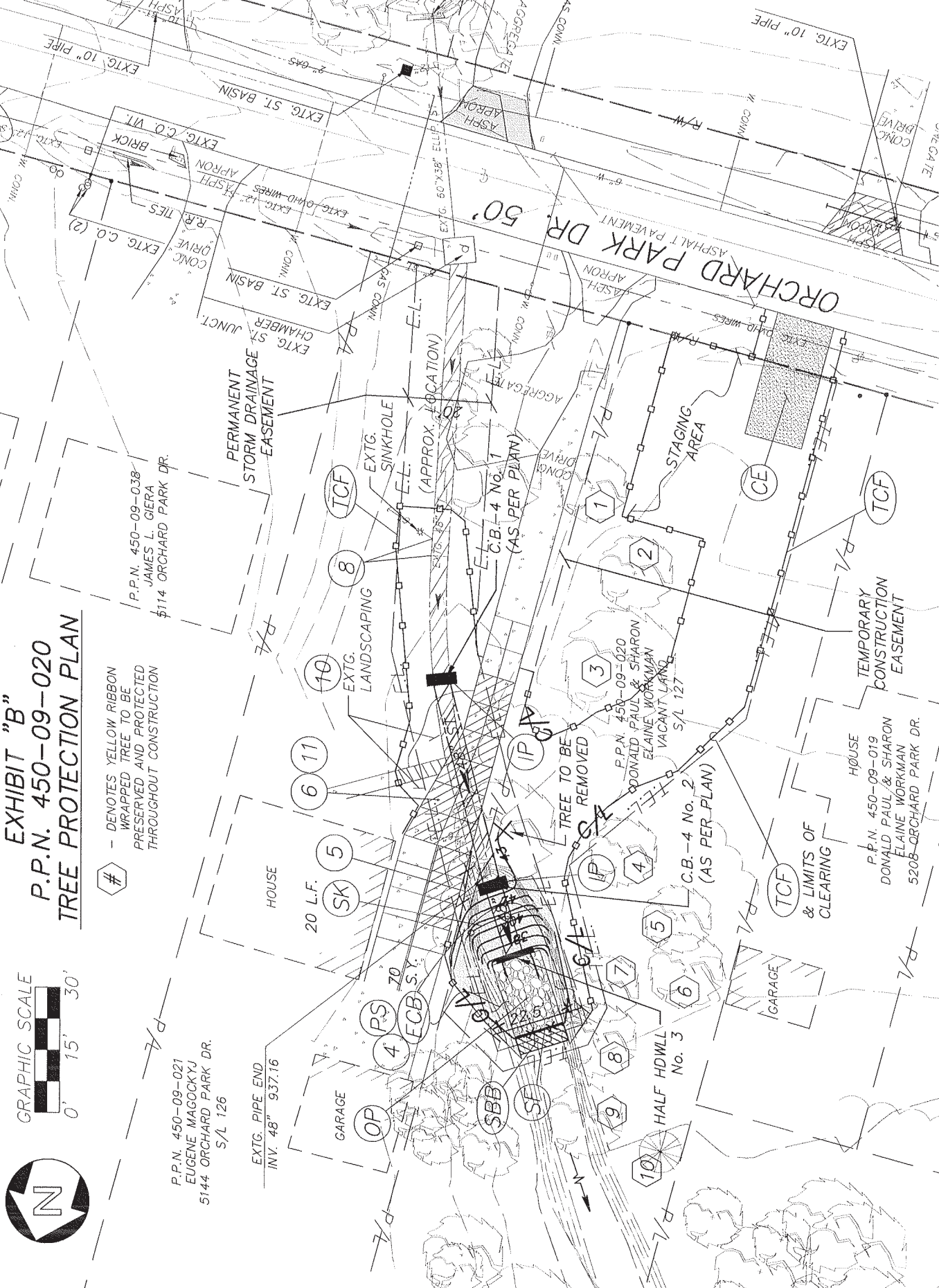
APRON

EXTG. 10" W/RES

CONC.

APRON

EXTG. 10" W/RES



**EXHIBIT "B"****TO ACCOMPANY TREE PROTECTION PLAN**

FOR: DONALD PAUL &amp; SHARON ELAINE WORKMAN

PPN 450-09-020

ORCHARD PARK DRIVE

CITY OF PARMA

CUYAHOGA COUNTY, OHIO

YELLOW RIBBON WRAPPED TREES TO BE PRESERVED AND PROTECTED THROUGHOUT CONSTRUCTION				
TREE ID	COORDINATES		TYPE	SIZE (DIA.)
	NORTHING	EASTING		
1	626275	2182152	HICKORY	15"
2	626291	2182136	HICKORY	18"
3	626314	2182134	OAK	42"
4	626356	2182121	HICKORY	18"
5	626368	2182104	HICKORY	15"
6	626379	2182099	UNKNOWN	18"
7	626389	2182116	HICKORY	18"
8	626401	2182114	UNKNOWN	15"
9	626420	2182112	UNKNOWN	15"
10*	626422	2182092	FIR	8"

\* LOCATION APPROXIMATED FROM  
COUNTY GIS AERIAL PHOTO